IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

APPEAL NO. 267 OF 2006
IN
SUMMONS FOR JUDGMENT NO. 687 OF 2005
IN
SUMMARY SUIT NO. 1851 OF 2006.

A.R. Khan @ Babu Pathan .. Appellant
V/s
M<ohammed Husain abdul Kadar ..Respondent.

Mr. S.A. Shaikh for the appellant.
Mr. K.K. Pandey for the respondent.

CORAM : DR. S. RADHAKRISHNAN &
S.J.VAZIFDAR, JJ.

DATE : 2ND MAY, 2006.

p.c.

. Heard the learned Counsel for the appellant and the learned Counsel for the respondent.

2. By this appeal the appellant has challenged the order dated 20th March, 2006, passed by the learned Single Judge, whereby conditional leave to defend was granted on depositing of Rupees One Lakh in this Court within a period of four weeks. The suit is based on dishonour of cheque for Rupees One lakh. However, the appellant contends that he has paid various sums totalling to Rupees. 85,000/-. However, there is no

evidence to substantiate the same. Under these circumstances we do not find any error in the order of Single Judge granting conditional leave on depsit of Rupees one lakh. The appeal is devoid of merit. Now, the Counsel for the appellant prays that time to deposit the sum of Rupees One Lakh be extended by one month. Time is extended by one month to make aforesaid deposit of Rupees One Lakh.

3. Appeal stands dismissed.

(Dr. S. Radhakrishnan, J.)

(S.J. Vazifdar, J.)